

Message Text

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ORIGIN COME-00

INFO OCT-01 CIAE-00 DODE-00 EB-07 NRC-07 NSAE-00 USIA-15
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COMMERCE/OEA - CBCLEMENTS

----- 050856 /74-62

R 172047Z DEC 76
FM SECSTATE WASHDC
TO AMEMBASSY VIENNA
INFO AMEMBASSY DUBLIN
AMEMBASSY LONDON
AMEMBASSY MOSCOW

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EXCON

E.O. 11652:N/A

TAGS:ESTC, COCOM, UK, AU, EI, UR

SUBJECT: U.S.-ORIGIN COMPUTER EQUIPMENT TO USSR

REF: DEPTTEL 301124 AND EARLIER MESSAGES

1. AMEMBASSY REQUESTED TO OBTAIN FOLLOWING INFORMATION,
PREFERABLY IN WRITING:

(I) HAS POTTER BEEN PAID? IF SO, WHEN, BY WHOM, AND
HOW MUCH?

(II) BY WHAT ACTION AND WHEN DID TITLE TO GOODS CHANGE HANDS,
AND TO WHOM (VIENNA T-10047)?

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(III) WHAT WERE CIRCUMSTANCES (INCLUDING DATES) UNDER
WHICH POTTER BECAME AWARE THAT EQUIPMENT WAS DESTINED
ULTIMATELY FOR USSR? NOTE: TECHNICALLY, POTTER WAS IN
VIOLATION OF TERMS AND CONDITIONS OF DISTRIBUTION LICENSE
UNDER WHICH THEY RECEIVED COMPUTER PERIPHERALS FROM POTTER

(US), BECAUSE POTTER (VIENNA) WAS NOT AUTHORIZED TO SELL U.S.-ORIGIN EQUIPMENT SO RECEIVED FOR USE IN COUNTRIES OTHER THAN IN AUSTRIA EXCEPT TO FIRMS IN OTHER COUNTRIES

WHICH WERE CUSTOMERS APPROVED BY OEA TO RECEIVE GOODS UNDER THE SAME DISTRIBUTION LICENSE. MCVEY AND HIS FIRM WERE NOT (REPEAT NOT) AMONG SUCH FIRMS.

(IV) WHO SECURED THE AUSTRIAN EXPORT LICENSE? IN WHOSE NAME WAS IT ISSUED? WHICH COUNTRY WAS SHOWN AS ULTIMATE DESTINATION?

(V) WHO WAS FREIGHT FORWARDER IN VIENNA RESPONSIBLE FOR MOVING SUBJECT SHIPMENT FROM VIENNA VIA LONDON, SHANNON, LONDON, AMSTERDAM TO MOSCOW (VIENNA'S T-10047)?

(VI) FROM WHOM AND WHEN DID VIENNA FORWARDER RECEIVE INSTRUCTIONS (DESCRIBE IN DETAIL)?

(VII) WHICH, IF ANY, OF THE GOODS WERE NOT OBTAINED FROM US? WERE THEY PRODUCED BY POTTER (VIENNA) USING US TECHNOLOGY AND/OR US COMPONENT PARTS?

2. ANSWERS TO ABOVE AND OTHER QUESTIONS ADDED BY EMBASSY SHOULD BE CORROBORATED BY PERTINENT RECORDS. AMONG THOSE SHOULD BE COPIES OF (A) MCVEY'S PURCHASE ORDER, (B) POTTER'S INVOICE TO MCVEY, (C) FORWARDER'S BILL OF CHARGES (D) AIR WAYBILLS, (E) CREDIT LETTER, (F) PERTINENT CORRESPONDENCE EXCHANGED BY POTTER WITH MCVEY AND WITH FREIGHT FORWARDERS VIENNA, LONDON, SHANNON (LEP UNCLASSIFIED

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TRANSPORT), INCLUDING EXPORTERS LETTER OF INSTRUCTIONS TO VIENNA FREIGHT FORWARDER, (G) POTTER'S LETTER TO MCVEY NOVEMBER 26, 1976 (VIENNA'S T-10019). IF POTTER CAUTIONED MCVEY REGARDING NEED FOR PRIOR US AUTHORIZATION ON ANOTHER OCCASION BEFORE OR AFTER NOVEMBER 26, COPY OF SUCH NOTIFICATION, IF IN WRITING, SHOULD BE FURNISHED. IF IT WAS ORALLY, POTTER SHOULD STATE (IN WRITING) HOW AND WHEN MCVEY WAS PLACED ON NOTICE, (H) ANY OTHER RECORD WHICH BEARS ON THE ISSUE WHETHER MCVEY CAUSED THE SHIPMENT TO BE MADE FROM VIENNA, WITH KNOWLEDGE AND INTENT THAT IT BE DELIVERED TO USSR AND IN DISREGARD OF POTTER'S ADVICE TO OBTAIN PRIOR AUTHORIZATION FROM OEA, AND (I) IF POSSIBLE, A COPY OF THE AUSTRIAN EXPORT LICENSE. KISSINGER

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